

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 456 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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DINESH VITHALANI

Versus

STATE OF GUJARAT & 1

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Appearance:

MR JV BHAIKAVIA for Petitioner

MR HL JANI for Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/03/97

ORAL JUDGEMENT

1. The counsel for the petitioner produced two documents, which are being taken on record. The counsel for the petitioner submits that the respondent has ordered for deduction of the 5% of the grant under the order dated 6-12-1994 of the D.E.O. on the ground that the petitioner has not given the sanction for the prosecution of the Headmaster Shri Mehta.

2. During the pendency of this Special Civil Application, the necessary sanction has already been given by the petitioner for the prosecution of Shri Mehta, and in view of this fact, the ground on which the grant was ordered to be taken, no more survives.

3. The counsel for the petitioner further submits that the operation of the order dated 6-12-1984 has been stayed by this Court, and as such, no deduction has been made from the grant.

4. The counsel for the petitioner, in this view of the matter, states that this petition has become infructuous and he does not press the same. However, he further prays that this Court may observe that the respondents may not deduct the grant of the petitioner on the ground that the sanction for prosecution of the Headmaster Shri Mehta has not been given.

5. In the result, this Special Civil Application is dismissed as withdrawn. However, it is made clear that the grant of the petitioner may not be withheld on the ground that the petitioner has not given the sanction for the prosecution of the Headmaster Shri Mehta. This judgment will not come in the way of the respondents to deduct the grant of the petitioner on other grounds, if they so desire. Rule is discharged. Interim relief, if any, granted by this Court stands vacated.

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